

**THE TOWN OF  
EAST LONGMEADOW, MASSACHUSETTS  
OFFICE OF THE BOARD OF APPEALS**

Instructions and information concerning an application for a variance.

The Variance application may be obtained in the office of the Planning Board or on the website at [www.eastlongmeadowma.gov](http://www.eastlongmeadowma.gov) under forms. This application and all pertaining documents must be filed and date stamped with the Town Clerk. The Clerk will then deliver the application package to the Board of Appeals.

A check for \$95.00 (fee) made out to the Town of East Longmeadow must accompany the application. The applicant is also responsible for payment of the legal notice and the newspaper will bill the applicant directly. Please include all phone number and cell numbers for applicant.

A letter of denial must accompany the application. This letter of denial will originate with the Building Inspector or Planning Board and will usually be based on non-compliance with one or more of our zoning by-laws.

Eight (8) sets of registered site plans must accompany the application. These site plans must show pertinent information such as existing and proposed structures, measurements, distances, etc., have an original signature of and be wet-stamped by a Registered Land Surveyor.

A copy of the subject property deed (current) must be included with the application. The recorded book and page number must be clearly indicated.

Failure to comply with the requested information and completion of the application will be cause to reject the application as incomplete. The Board may waive certain requirements. The waiver must be in writing. Please be patient, it is not unusual for the process to take three to four months.

The Board of Appeals, the requested variance, and the formal process are governed by Chapter 40A of the Massachusetts General Laws. The following are excerpts of some of the sections.

Section 8: An appeal may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action.

Section 10: A variance cannot be granted unless the Board specifically finds that all three (3) of the following conditions have been met:

1. ..owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located;
2. a literal enforcement of the provisions of the ordinance or by-laws would involve substantial hardship, financial or otherwise, to the petitioner or appellant; and,
3. that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such by-laws.

**All three (3) of the conditions must be met and all be related to the topography of the property in order to obtain a variance, and decisions are based on the vote of a super majority of the members of the Board of Appeals.**

The East Longmeadow Board of Appeals can only hear applications for dimensional variances, not use variances.

If the rights authorized by the variance are not exercised within one year of the date of grant of such variance, such rights shall lapse.

Section 15: Any appeal under Section 8 to a permit granting authority shall be taken within thirty (30) days from the date of the order of decision which is being appealed.

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## **PROCEDURE FOR THE ACTION BY THE BOARD OF APPEALS ON AN APPLICATION FOR A VARIANCE**

1. The application is obtained in the Planning Board office and is accompanied by one page of instructions.
2. The completed application is filed with the Town Clerk and must be date-time stamped by the Town Clerk who will send the application to the office of the Board of Appeals at the Town Hall for review.
3. The application is received by the Director of the Board of Appeals and reviewed to determine that all of the necessary information is attached to the application and that the application is complete.
4. The Director of the Board of Appeals schedules the hearing and has the legal notice prepared based upon the information provided in the application.
5. The legal notice of the hearing is filed with the Town Clerk and posted for two (2) consecutive weeks in a public place within the Town Hall .
6. The legal notice is sent to the Reminder or Springfield Republican to be published for two (2) consecutive weeks prior to the hearing date. The invoice for the publication is mailed directly to the applicant/petitioner from the newspaper for payment.
7. A listing of the abutters, as provided by the Board of Assessor's Office, is used by the Zoning Board of Appeals office to provide notice of the hearing to the abutters and notice to the applicant/petitioner is done at the same time. The applicant/petitioner and the abutters are notified by regular mail, postage prepaid.
8. The applicant appears before the Zoning Board of Appeals at the Public Hearing and presents his/her evidence showing that all of the three statutory requirements have been met and evidence of why he/she believes they are entitled to a Variance.
9. The Zoning Board of Appeals takes in the evidence and asks questions of the applicant at the public hearing. At the hearing, the Chairman may administer oaths, summon witnesses, and call for the production of papers.
10. The Board has 100 days from the date of the filing of the application in which to render its decision.
11. Within fourteen (14) days from the date of the decision, the decision in the form of a Variance or a denial must be completed, date-stamped and filed with the Town Clerk.
12. The Petitioner is notified by regular mail with a copy of the decision or denial and is reminded of the twenty-day appeal period and the

requirement that the applicant must pick up the original decision (after said appeal period) for filing in the Hampden County Registry of Deeds prior to obtaining a building permit. The applicant must provide the recording information to the office of the Board of Appeals before obtaining a building permit. Notices of the decision and recording information are provided to the Board of Assessors, the Planning Board and the Building Department.

13. The abutting towns, the regional planning department and the Office of Community Development are provided copies of the decision by regular mail.
14. Minutes of the public hearing are transcribed and the original is kept in a file in the Zoning Board/Planning Board Office.